

## THERE WAS CERTAINLY SUMPIN' FISHEE' ABOUT IT



## WORLD TOUR OF GIANTS AND SOX

## Comiskey and McGraw Making Final Arrangements For Trip of Teams.

Chicago, Sept. 17.—Seventy-five persons will go on the round-the-world tour to be made next winter by the New York Nationals and the Chicago Americans. President Comiskey of the local club announced today that there will be fifty in his party when the steamer sails from Vancouver November 19 and the Gotham delegation will number twenty-five.

Each tourist's fare will amount to at least \$1500, but there will be countless minor expenses in addition. Each player will be required to post \$300 to guarantee his appearance on the ship, but the money will be refunded when the boat sails.

Manager John J. McGraw of the Giants, and Comiskey, today completed a payment of \$22,400 to cover part of the expenses and on October 10 will make a payment of equal amount, which will carry the party to Port Said.

## BASEBALL

## Athletics Defeat Naps.

Philadelphia, Sept. 16.—In a long drawn out game Philadelphia defeated Cleveland today in ten innings, 8 to 7. McNamara, who led both teams at bat with a triple, a double and two singles in five times up, scored the winning tally on his two-bagger and Walsh's single. After three innings of good twirling, Steen began to

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When duty calls it is frequently told that the line is busy.

## THAW SMILES AT RECENT VICTORY

(Continued on Page Two)

Proceedings in Court.  
Littleton, N. H., Sept. 16.—Counsel for Harry K. Thaw, laid today, the foundations for plans to carry his case to the supreme court of the United States.

When the governor of New Hampshire passes on the matter of the extradition of Thaw to New York, at the hearing to be held at Concord on Tuesday next, the findings, if adverse to Thaw, will be reviewed by the United States district court and should a decision against him then be rendered, successive appeals will be taken in the case reaches the highest court in the land.

This was the announcement made by the Thaw lawyers tonight after the most notable court victory for the fugitive either in Canada or in the United States since his escape from the Mattewan asylum for the criminally insane. It was made after a hearing of New York, left town tonight, last night, a federal writ of habeas corpus obtained in Thaw's behalf and invoking the fourteenth amendment to the constitution had been suspended indefinitely until such time as counsel saw fit to begin arguments after the extradition matter had been decided by the governor.

Edgar Aldrich, United States judge for the district of New Hampshire, in deciding that Thaw had the right, in effect, to hold his habeas corpus writ in abeyance, explained in his recital that this was the petitioner's privilege in that should he be ordered extradited, "it still would be open to federal authority to afford such protection as the constitution and the laws of the United States require."

Thaw's jubilant counsel, headed by Moses Grossman and L. J. Vorhaus of New York, left town tonight, leaving their client in the joint custody of the United States marshal and Sheriff Drew of Coos county, not to return until the hearing before the governor is called. Not long after departed the head of the New York state forces, William Travers Jerome, and with him Deputy Attorney General Kennedy and Sheriff Hornbeck of Dutchess county, New York. They will immediately come back for the hearing Tuesday.

Thaw, according to the understanding reached will be taken to Concord tomorrow morning. He was quartered in Thayer's hotel tonight, feeling fine and predicting that the gates of Mattewan never would close behind him again.

Mr. Jerome had little comment to make.

"Thaw is tied up now with a federal writ," he said, "and there is nothing around it. But the questions to be decided by the governor are simple and we hope for victory."

Concluding his recital today, Judge Aldrich engaged Mr. Jerome in informal colloquy as regards Thaw's status as an insane or as criminal. It was perhaps the most interesting part of the brief court procedure.

Colloquy of Court and Jerome.  
"It probably is open to counsel for the petitioner," said the court, "to raise questions whether this New York process under which Thaw was held as an insane person should become a part of the proceedings at issue whether the process under which he is held here is due process. The novelty of the situation as everybody must see results from the fact that he was held in an institution in New York as a criminal, and the fact of his escape from that institution, and now, whether the state of New York, holding a person as an insane person, is in a position to set up his escape as a crime, with the meaning of the federal constitution and of the state authorities is a question. If you have found anything in the books, Mr. Jerome, on that question you have done better than I have. It seems to me that it involves a novel proposition."

Jerome: "I understand it to be the rule as laid down in the *Coloquio* case, and the *Guilford* case that if a person keeps the nature and quality of the act and that it was wrong, it did not matter whether he was sane or not."

The court: "There results the novelty. I don't intimate anything one way or the other about it, but you seemed to assume at the outset that the questions were entirely clear. I don't think they are."

Jerome: "I think on the argument I will be able to show to your honor decisions of the federal courts in extradition that the door is closed to your honor's investigation of these questions."

The court: "I wish it to be understood that I am making no intimation as to what I think about the question when I say it is novel. But if you stand upon the position that extradition is justifiable provided Thaw was of sufficient mind to commit a criminal act at the time he

escaped from Mattewan, you put a qualification upon your proposition at once. Now, where is that question of mental condition, within the meaning and scope of the extradition law, to be determined, in New York or in New Hampshire? When one sovereign state asks another sovereign state forcibly to seize a man and carry him across the line to another jurisdiction, is any question closed?"

Jerome: "We think that all that will be open for your honor's investigation will be 'is he charged with crime?' Was he in the state at the time of the commission of the crime and now found here, and is he the person mentioned?"

The court: "I think that you are perfectly correct in that proposition as a general one, but when the papers show that one is charged with a criminal act and that act is involved in and solely grounded in the escape from a warrant which holds him as an insane person, have you a case which held that he should be extradited as a criminal?"

Jerome: "We have cases that hold, as you have in the federal jurisdiction, that an insane man is held to criminal responsibility. The most striking case in our state was where a man conceded by the district attorney to be insane was convicted of murder in the first degree and put to death because it was held that he killed under an insane delusion, the insane delusion was not one bit true; would justify his acting."

The court: "There is really no question for further discussion. But I will say that counsel on both sides better examine cases which involve indictments and trials of issues of mental capacity and see how far they apply to similar questions involved in extradition proceedings, where one state is asking another to exercise its authority for removal to another jurisdiction."

For the first time since his return to the United States after his sudden deportation from Canada, Thaw was cheered openly today. Enthusiastic and sympathetic crowds greeted him at the station and when he descended to Main street after his departure, hurrahs greeted him as he passed.

In the early part of the court proceedings Thaw avoided the eyes of Jerome, but when he saw that his old enemy was not pressing the attack that he had outlined, that the writ had not been obtained in good faith, but as a means of delay, he raised his eyes to the face of Jerome and when the latter failed to put in evidence, an affidavit of a newspaper writer to support the contention that the Thaw lawyers merely were sparing time for the fugitive, he laughed outright. The only lawyer remaining with him tonight was ex-Governor W. A. Stone of Pennsylvania acting as personal representative of the Thaw family.

Court Objects to Remark.  
The proceedings occupied an hour and a half. Thaw's chief extradition lawyers, Moses Grossman and L. J. Vorhaus of New York did not speak. They were reserved for the last and were not needed as events transpired. Morrill Shurtleff, one of Thaw's New Hampshire counsel, opened the proceedings sending forth a series of preliminary and final arguments before the governor, the petitioner did not care to urge his constitutional rights, but desired continuance.

Jerome was on his feet in an instant.  
"I desire to interpose objection to any delay," he said. "I move that the writ be quashed. Examination of the return will show that the questions raised in the application are frivolous and raise no new questions of law or fact. There is no Federal issue involved and I feel constrained to say that this writ is obtained under circumstances which are very near trifling with the court. I have here affidavits of Lindsey Dennis, based on statements made by loquacious counsel for the other side."

"You need not use that term, loquacious, Mr. Jerome," said the court severely.  
"I withdraw the remark," said Jerome.

"I will say now," continued the court, "that unless you have a pretty strong case I advise you to have the trouble of raising the issue of bad faith."

Mr. Jerome sat down.  
George Morris of Thaw's New Hampshire lawyers addressed the court. He said in brief that the writ in Thaw's behalf had been obtained because, under the New Hampshire statutes, there was no recourse to the courts in case the governor honored the extradition warrant and the New York authorities cared to remove the fugitive instantly.

"We will agree," said Jerome rising, "that we will use no undue haste in removing Thaw should his extradition be granted. We are willing and anxious to proceed in a legal and eminently fair manner."

Question of Bad Faith.  
"Do you wish to press this question of bad faith?" inquired the court.  
Mr. Jerome paused a moment then, said that in view of the assurances from the other side, he would let the matter drop.

"Then," said Judge Aldrich, "the only question to be decided is whether this hearing shall go on or be suspended."

With this, he began reading his report. In part it was as follows:

"This proceeding does not expressly involve the proposed extradition hearing before the state executive, yet it concerns it indirectly in the sense that if this hearing should go forward and if it should be determined here that the process under which the petitioner is held is not a constitutionally due process and that the restraint is therefore illegal, it doubtless would be contended that the result should be accepted as conclusive of the question of the right of extradition under the existing state process."

"The rights of the state of New York are not of such urgency as to justify summary and precipitate action here in advance of the usual and proper course of interstate extradition proceedings and the petitioner, having invoked Federal protection for the purpose of saving his Federal rights, yields to the idea of a postponement of this hearing to the end that extradition proceedings may go forward before the state executive in the ordinary and usual way. This is a perfectly proper course for counsel to pursue. It is in perfect harmony with our system of Federal and state inter-relations."

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"Generally speaking the states have recognized the power of extradition as emanating from Federal source. This peculiarity is so in respect to New Hampshire."

Recognizes Laws of New Hampshire.  
"New Hampshire expressly recognizes the laws of the United States as the foundation of extradition."

"It is perfectly obvious that some findings of the executive of the state might be accepted as conclusive and binding upon both state and federal courts and it is equally obvious that questions might arise before the executive where its action would not be binding upon either. Upon the question as to what findings would be conclusive and what not conclusive I make no intimation whatever."

"Holding pendency and control of this proceedings under suspension involves neither the rights of the parties concerned nor of the state authorities. Such considerations make it justifiable that the hearing under the writ before he be suspended to the end that the executive of the state shall have a free hand in respect to the extradition investigation."

"It must be understood that it is open to the petitioner at Albany to press his alleged constitutional right of an immediate hearing. It likewise is open to the parties representing the state of New York or the state of New Hampshire to move at any time for a hearing or for a dismissal of the writ."

In conclusion the court said that Thaw was subject to commitment to state authority; to be held to bail or placed in the custody of suitable keepers, he recommended Marshal Nate and Holman A. Drew, sheriff of Coos county, as custodians and they were selected. He then began his colloquy with Jerome.

FRENCH PRESIDENT SEES MANEUVERS

Castel-Sarrasin, France, Sept. 17.—A pitched battle in which 120,000 men clashed, was fought near here today in the presence of President Raymond Poincaré. It was the closing feature of the French maneuvers.

The northern blue and the southern red army had been fighting for seven days a series of preliminary engagements. Today brought the main bodies face to face with a front extending for twenty miles in the valley of the river Gironde.

Before daybreak cavalry, artillery, and infantry were striving in preparation for the decisive battle, while aeroplanes were flying over the respective positions endeavoring to discover the commander's intentions.

President Poincaré, with Eugene Etienne, minister of war, observed the battle from a hill near this town. He was surrounded by a brilliant staff and accompanied by the military attaches of the foreign embassies.

The president repeatedly expressed his admiration for the endurance and marching powers of the troops. Many of the infantry regiments marched thirty to thirty-five miles yesterday, the soldiers carrying the full active service equipment, weighing over 50 pounds.

TODAY IN CONGRESS

Washington, Sept. 17.—The day in congress:

Senate.  
Not in session; meets Thursday.

House.  
Public lands committee agreed on a day for a final vote on the Hetch Hetchy water bill.

Tariff conferees continued their deliberations.

Met at noon and continued discussion of the administration currency bill for amendment.

## GUNMEN GANGS FIGHT A DUEL

## Would-Be Assassins Open Fire Upon Old-Time Enemies Upon a Crowded Street.

New York, Sept. 16.—Gunmen said by the police to be members of rival gangs, whose activity in the primary election today led to the renewal of an old feud, engaged in a revolver standing on upper Broadway, just as a nearby throng of onlookers crowded around into the street.

The attacking party of seven, after firing on three men in the other car half a block away and being shot at in return, attempted to speed away but were overtaken by a traffic patrolman in a taxicab. Three men jumped from the car and escaped.

Four, including the chauffeur, were arrested and locked up, charged with attempting felonious assault and violating the concealed weapons laws. No attempt was made to capture the members of the besieged party. So far as could be learned none of the gunmen was injured.

According to the police the shooting was an outcome of the primary fight in the Fifteenth assembly district between rivals for the Democratic leadership. They say the four men under arrest are members of the "Jack Sirocco gang," and that they opened fire on members of the "Hudson Dusters" and the "Rose gang."

A search of the captured car revealed under a rug in the tonneau six packages of typewritten slips, containing more than 300 names, supposedly of voters in the Eighth assembly district downtown, and the police are working on the theory that the men arrested are "repeat voters" who, after voting in the lower part of the city, went up to the Fifteenth assembly district to "work" the primary there in the same way.

It became known tonight that the shooting which resulted in the arrest was the second of the day. In mid-afternoon the same two automobiles met on West Sixty-ninth street and their occupants started to "shoot up" each other. Three men are said to have been injured, escaping before the arrival of the reserves.

INVESTIGATING OTIS BOMB PLOT

Federal, City and County Officers Searching For Sender of Explosive.

Los Angeles, Cal., Sept. 17.—To that area of the city which comprises the business section and a portion of the cheap hotel district, the federal city and county authorities confined their energies today in the search for the sender of the dynamite bomb which was received through the mails yesterday by General Harrison Grey Otis, proprietor of the Los Angeles Times.

All were agreed that the maker of the bomb lived in this district because the package containing the bomb was placed in a parcels post box in the downtown section and carried to postoffice station C which handles mail for the greater portion of the business district and a large section of the east side.

The dynamite used in the infernal machine was that extremely high-powered explosive known as "eighty-five per cent"—the same as was used by James B. McNamara in blowing up the Times building October 1, 1918.

The legal limit for explosives in Los Angeles county is 40 per cent nitro, and police and county officials directed efforts today to learning what purchase of 85 per cent dynamite had been made at powder factories recently.

One of the theories discussed today was that the bomb might have been sent by some foreigner, agitated over the Mexican question, and the possibility of intervention by the United States.

Rigid Investigation.  
Washington, Sept. 17.—A rigid investigation of the latest attempt on the life of General Harrison Grey Otis at Los Angeles, Cal., is being made by postoffice inspectors. No official report yet had been received today from the post office department, but Chief Inspector Johnson is giving the case his personal attention.

The woman who thinks her husband tells her everything he knows is entitled to another think.